THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.9435 of 2003

ORAL ORDER:

This writ petition is filed seeking Mandamus declaring the action of the respondents in conducting auction/sale of the lands of the petitioners to an extent of 16.5 Acres in Sy.Nos.14/3, 13/3, 78, 276/1, 308/2 etc., of Janapadu village, Guntur district in pursuance of auction notice dated 4.4.2003 issued by the first respondent as illegal and arbitrary.

It appears, petitioners obtained a loan of Rs.1,50,000/- from Piduguralla Primary Agricultural Cooperative Society, Guntur district in the year 1990 for the purpose of purchase of Tractor and Trailor. According to the petitioners, they have paid the entire loan amount with interest in instalments by 2001. While that being so, the first respondent issued impugned notice purported to be under Rule 52 of the A.P. Cooperative Societies Rules, 1964 to conduct auction/sale of the landed property belonging to the petitioners. The learned counsel for petitioners asserted that no notice of any kind was issued before issuing the impugned notice and no enquiry as required under Section 71 of the A.P. Cooperative Societies Act, 1964 was conducted for fixing liability on the petitioners.

Now it is given to understand that the proposed auction was postponed and as on today, no auction notice exists.

In view of the above, without expressing any opinion on merits, the petitioners are permitted to file a detailed representation before the first respondent within a period of two weeks from the date of receipt of a copy of this order. On filing such representation, the first respondent shall take up the same, conduct a detailed enquiry into the matter and decide the liability of the petitioner and pass appropriate orders within six weeks from the date of receipt of such representation. Till such time, no coercive

steps shall be taken against the petitioners for recovering the notice amount.

The writ petition is accordingly disposed of. No order as to costs.

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C.V.RAMULU, J

Date: 24.11.2006

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THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.9435 of 2003

24.11.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.9435 of 2003

Date: 24th November, 2006

Between:

P.Kotaiah & another.

.. Petitioner

And

The Deputy Registrar/Officer on Special Duty, Guntur District Cooperative Central Bank Ltd., Tenali, Guntur district & another.

.. Respondents